

Order

Michigan Supreme Court
Lansing, Michigan

March 30, 2007

Clifford W. Taylor,
Chief Justice

132355

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

ANNETTE D. HARRY,
Plaintiff-Appellant,

v

SC: 132355
COA: 257539
Wayne CC: 01-124871-NF

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the July 13, 2006 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE that portion of the Court of Appeals decision that concluded that plaintiff had abandoned her non-foot injury claims. In her brief on appeal to the Court of Appeals, plaintiff discussed the non-foot injuries and their continuing effect on her life. As a result, plaintiff did not abandon these claims. We REMAND this case to the Wayne Circuit Court for a bifurcated retrial with respect to plaintiff's uninsured motorist and personal insurance protection benefit claims, the relief defendant requested in its appeal to the Court of Appeals. The testimony of Dr. Richard Pike will not be considered on retrial of either claim.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 30, 2007

Corbin R. Davis

Clerk